

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

IN THE MATTER OF THE COMPLAINT OF)
SAVANNAH MARINE SERVICES, INC.,)
owner of the towing vessel)
SARA KAITLIN, FOR EXONERATION)
FROM OR LIMITATION OF LIABILITY)

* * *

SAVANNAH MARINE SERVICES, INC.)

Third Party Plaintiff,)

vs.)

MARINEX CONSTRUCTION COMPANY.,)
INC.)

Third Party Defendant.)

2007 MAY 31 PM 5:00

CLERK *PW*
SO. DIST. OF GA.

Civil Action No. 407-064

COMPLAINT FOR EXONERATION
FROM OR LIMITATION OF
LIABILITY/THIRD PARTY
COMPLAINT

ORDER RESTRAINING ACTIONS AGAINST PLAINTIFF

WHEREAS, a Complaint having been filed herein on May 25, 2007, by the above-named Plaintiff, as owner of the towing vessel, SARA KAITLIN, for exoneration from or limitation of liability, pursuant to 46 U.S.C. §§ 181-189 and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and a Third Party Complaint against Marinex Construction Company Inc. (Marinex) relating to any damage, injury arising from an allision on April 26, 2007 between a Marinex Construction Company Inc. (Marinex) crane mounted on a Marinex crane barge that Plaintiff's towing vessel, SARA KAITLIN, was towing and the J. E. McTeer bridge, Beaufort, South Carolina, as more fully described in the Complaint/Third Party Complaint;

AND the Complaint having stated that the value of Plaintiff's interest in the towing vessel SARA KAITLIN and pending freight at the end of such voyage does not exceed \$420,118.00, as

set forth in the Affidavit appraisal of Robert Bird, Marine Surveyor, and Affidavit of John C. VanPuffelen filed herein with Plaintiff's Complaint;

NOW, it is hereby:

ORDERED as follows:

1. That as set out in this Court's Notice of Complaint for Exoneration From or Limitation of Liability entered on May 25, 2007, that all persons asserting claims with respect to any and all loss, damage or injury or other claim involving the towing vessel, SARA KAITLIN and the allision occurring on April 26, 2007 and admonishing them to file their respective claims with the Clerk of this Court in writing, and to serve on the attorneys for the Plaintiff a copy of on or before June 25, 2007, or be defaulted, and that if any claimant desiring to contest either the right to exoneration from or the right to limitation of liability, shall file and serve on the attorneys for the Plaintiff an answer to the Complaint on or before the said date, unless its/his/her claim included an answer to the Complaint, so designated, or be defaulted.

2. That further prosecution of any and all suits, actions and proceedings which may have already have been commenced against Plaintiff in any court whatsoever, to recover damages arising out of, occasioned by, or in any way consequent upon the allision which occurred on the voyage of the towing vessel, SARA KAITLIN, on April 26, 2007 and from the institution and prosecution of any suits, actions or legal proceedings of any nature or description whatsoever in any court whatsoever, except in this proceeding for exoneration from or limitation of liability, against Plaintiff in response of any claim or claims arising out of, occasioned by, or in any way relating to the aforesaid incident, be and the same hereby are stayed and restrained;


3. That public notice of such proceedings be given by publication thereof in the designated in the Savannah Morning News newspaper once a week for four (4) successive weeks before the return date as stated in said Notice of Complaint for Exoneration From or Limitation of Liability, dated May 25, 2007; that before the second publication, a copy of this Order be

mailed to every person known to have made any claim against the vessel or Plaintiff for damage or injury occasioned by or arising out of the incident of April 26, 2007 involving the voyage of the towing vessel, SARA KAITLIN;

4. That the service of this Order as a restraining order may be made by the Post Office by mailing a conformed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively by hand.

Date:

5-31-07


UNITED STATES DISTRICT JUDGE